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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,567	11/10/2003	Artemio Castro	CM-2691M	4246

27752 7590 07/28/2006

THE PROCTER & GAMBLE COMPANY
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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,567

Applicant(s)

CASTRO ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment filed on April 19, 2006.
2. Claims 1-17 and 24 are pending. Claims 18-23 and 25-33 were cancelled (which included nonelected claims 19-20, 26-27).
3. The rejection of claims 28-29 under 35 U.S.C. 112, second paragraph is moot in view of Applicants' cancellation of these claims.
4. The rejection of claims 1-6, 9-10, 13, 15-16, 30 and 33 under 35 U.S.C. 102(b) as being anticipated by Hanaoka et al. (WO 98/26040), hereinafter "Hanaoka" is withdrawn in view of Applicants' amendment.
5. The rejection of claims 7-8, 11-12, 14, 17-18, 21-25, 28-29, 31-32 under 35 U.S.C. 103(a) as being unpatentable over Hanaoka as applied to the above claims is withdrawn in view of Applicants' amendment.
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1-2, 4-6, 9-10, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narula et al. (US Patent No. 6,617,294), hereinafter "Narula".

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Narula teaches a liquid cleansing product that is not water-based (see col. 1, lines 40-41), and comprises one or more alcohols (see col. 2, lines 25-31), from about 0 wt% to about 5 wt% humectant (see col. 2, lines 60-66), for example isopropyl myristate (see col. 4, line 5) (which also reads on surfactant) and from about 0 wt% to about 6.5 wt% thickener which may be a cellulose-based material, fumed silica, or a combination thereof, such as methyl cellulose (whose molecular weight reads on those recited) added at concentrations of about 0 wt% to about 1.5 wt% used in combination with fumed silica added at concentrations of about 0 wt% to about 5.0 wt% (see col. 2, line 67 to col. 3, line 6). The product may optionally contain antimicrobial agents from about 2 wt% to about 3.75 wt%, for example benzalkonium chloride (which also reads on surfactant). The product can be incorporated into a woven or non-woven wipe (see col. 3, lines 56-57). In Example 1, Narula teaches a sanitizing hand cleanser comprising about 4.5 wt% isopropyl myristate, about 0.6 wt% methylated cellulose and about 2.0 wt% fumed silica (see col. 4, lines 1-26). Narula, however, fails to specifically disclose the sanitizing hand cleanser in a woven or non-woven wipe, the quantity of the cleanser applied to the wipe and a uniform layer or stripe pattern of the cleaner on the wipe.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the sanitizing hand cleanser comprising isopropyl myristate (a surfactant), methylated cellulose thickener and fumed silica in their optimum proportions into a woven or non-woven wipe because Narula specifically desires his product to be incorporated into said wipes because wipes with the sanitizing cleanser make for a convenient product for cleansing a practitioner's hands or a local portion of a patient before or after examination as taught by Narula in col. 3, lines 55-60. Further, it would have been obvious to one of ordinary

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skill in the art at the time the invention was made to have applied the cleanser to the wipe in a quantity within those recited because such applied quantity is the working range of the cleanser in a wipe for its intended sanitizing use, and to have applied the cleanser to the wipe in a uniform manner or in stripe pattern because such manner is an obvious design choice.

8. Claims 3, 7-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narula as applied to the above claims, and further in view of Fabry et al. (US Patent No. 6,013,616), hereinafter "Fabry".

Narula teaches the features as described above. Narula, however, fails to disclose the thickener being xanthan gum or high molecular weight polyvinyl alcohol.

Fabry, in an analogous art, teaches the equivalency of cellulose derivatives with xanthan gum and high molecular weight polyvinyl alcohol as thickeners in a similar composition (see col. 6, lines 13-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the methyl cellulose thickener of Narula with xanthan gum or high molecular weight polyvinyl alcohol because the substitution of art recognized equivalents as shown by Fabry is within the level of ordinary skill in the art.

9. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narula as applied to the above claims, and further in view of Beerse et al. (US Patent No. 6,190,674), hereinafter "Beerse".

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Narula teaches the features as described above. Narula, however, fails to disclose the surface area and particle size of the fumed silica.

Beerse, in an analogous art, teaches that fumed silica has a mean agglomerate particle size ranging from about 0.1 micron to about 100 microns, which agglomerates are composed of aggregates which have a mean particle size ranging from about 0.01 microns to about 15 microns, and the silica has a surface area greater than 50 sq.m/gram (see col. 16, lines 47-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the fumed silica of Narula to have a surface area and particle size within those recited because it is known from Beerse that fumed silica has a particle size and surface area which overlaps those recited.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narula as applied to the above claims, and further in view of Gorlin et al. (US Patent No. 6,720,301), hereinafter "Gorlin".

Narula teaches the features as described above. Narula, however, fails to disclose a wipe or substrate having a first and second layer as those recited.

Gorlin teaches a cleaning wipe which is a multi-layer fabric composite (see col. 1, lines 10-11) which comprises a top layer of fine or coarse fibers, a bottom layer of fine and coarse fibers and a center layer (see col. 1, lines 41-50), wherein the bottom and top layers may have different textures and abrasiveness (see col. 11, lines 25-26) and examples for materials used for the top and bottom layers are non woven materials (see col. 11, lines 36-46), which are bonded together by needlepunch or thermal bonding (see col. 11, lines 52-56).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wipe of Narula with the multi-layer fabric composite of Gorlin because the multi-layer fabric composite provides sufficient wet strength, abrasivity, loft and porosity as taught by Gorlin in col. 11, lines 37-38).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

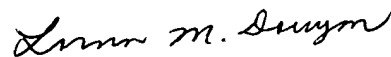
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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